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| es pursuant to the | Consolidated Appropriations Act, 2005 (H.R. 4818) |
|--------------------|---|
| FEE                | <b>TRANSMITTAL</b>                                |
|                    | For FY 2005                                       |

Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

| (\$) | 120. | 00 |
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| (4)  | 120. | ·  |

| Complete if Known    |                  |  |  |  |
|----------------------|------------------|--|--|--|
| Application Number   | 10/792,315       |  |  |  |
| Filing Date          | November 1, 2002 |  |  |  |
| First Named Inventor | O'Brien          |  |  |  |
| Examiner Name        | T. Heller        |  |  |  |
| Art Unit             | 3762             |  |  |  |
| Attorney Docket No.  | 31611.0031       |  |  |  |

| Check X Credit Card Money Order None Other (please identify):  Deposit Account Deposit Account Number: For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)  Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee  Charge fee(s) indicated below Charge fee(s) indicated below, except for the filing fee  Except fee(s) fee(s) Except | METHOD OF PAYME  | NT (check all   | that apply)  |                |        |                                   |                   |               |             |
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| The content of the    | Charge feel  XX Charge any under 37 C  WARNING: Information on t   | (s) indicated be<br>additional fee<br>FR 1.16 and 1.<br>his form may be | elow<br>(s) or underpayr<br>17<br>come public. Cre | nents of fee(s | Char   | ge fee(s) indic<br>it any overpay | cated below, exce |               |             |
| The control of the    |  | on on PTO-2038  |  |                |        |                                   |                   |               |             |
| Non-English Specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) fee Paid (\$)  |  | FILING I  | FEES   | SEARCH         |        |                                   |                   |               |             |
| Design   200   100   100   50   130   65   | Application Type   | • <u>Fee (\$)</u>   |  |                |        | <u>Fee (\$)</u>                   |                   | Fees Pa       | id (\$)     |
| Plant 200 100 300 150 160 80  Reissue 300 150 500 250 600 300  Provisional 200 100 0 0 0 0 0 0  2. EXCESS CLAIM FEES Fee Description  Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent 50 25  Each independent claims 50 100 100 100 100 100 100 100 100 100   | Utility  | 300   | 150  | 500            | 250    | 200                               | 100               |               |             |
| Reissue 300 150 500 250 600 300  Provisional 200 100 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0   | Design   | 200   | 100  | 100            | 50     | 130                               | 65                |               |             |
| Provisional 200 100 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0  | Plant  | 200   | 100  | 300            | 150    | 160                               | 80                |               |             |
| 2. EXCESS CLAIM FEES Fee Description Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent Multiple dependent claims  Total Claims Extra Claims Fee (\$) Fee Paid (\$) HP = highest number of total claims spaid for, if greater than 20 Indep. Claims HP = highest number of independent claims paid for, if greater than 3  3. APPLICATION SIZE FEE If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s). Total Sheets Extra Sheets Number of each additional 50 or fraction thereof (round up to a whole number) x  Fee Paid (\$)  | Reissue  | 300   | 150  | 500            | 250    | 600                               | 300               |               |             |
| Fee Description   Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent   50   25   | Provisional  | 200   | 100  | 0              | 0      | 0                                 | 0                 |               | <del></del> |
| Total Claims   Extra Claims   Fee (\$)   Fee Paid (\$)   Multiple Dependent Claims   | Fee DescriptionFee (\$)Fee (\$)Fee (\$)Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent5025Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent200100   |   |  |                |        |                                   |                   |               |             |
| - 20 or HP =   |  |   | s Fee (\$)   | Fee Pai        | d (\$) | Multiple D                        | ependent Claims   |               | 100         |
| Indep. Claims  -3 or HP = x = =   x = =    HP = highest number of independent claims paid for, if greater than 3  3. APPLICATION SIZE FEE  If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).  Total Sheets  Extra Sheets Number of each additional 50 or fraction thereof -100 =   /50 =   (round up to a whole number) x =    4. OTHER FEE(S) Non-English Specification, \$130 fee (no small entity discount)   | - 20 or HP =   |   |  | _=             |        | Fee (\$)                          | Fee Paid          | <u>d (\$)</u> |             |
| If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).  Total Sheets  Extra Sheets  Number of each additional 50 or fraction thereof  - 100 = /50 = (round up to a whole number) x = Fee Paid (\$)  4. OTHER FEE(S)  Non-English Specification, \$130 fee (no small entity discount)  | <u>Indep. Claims</u><br>3 or HP =  | Extra Claims  | Fee (\$)   | <u>Fee Pai</u> | d (\$) |                                   |                   | <del></del>   |             |
| Non-English Specification, \$130 fee (no small entity discount)  | If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).  Total Sheets Extra Sheets Number of each additional 50 or fraction thereof Fee (\$) Fee Paid (\$) |   |  |                |        |                                   |                   |               |             |
|  |  |   |  |                |        |                                   |                   |               |             |
|  |  |   |  |                |        |                                   |                   |               |             |

| SUBMITTED BY     | 11      | 1 1        |  |                        |
|------------------|---------|------------|--|------------------------|
| Signature        | NIV     | ballaha    | Registration No. (Attorney/Agent) 34,920 | Telephone 716-759-5810 |
| Name (Print/Type | Michael | F. Scalise |  | Date November 3, 2005  |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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